

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

MARTHA MOUNLIO,

Plaintiff,

v.

CIVIL ACTION NO. 1:06-0215

McDOWELL COUNTY SHERIFF, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order entered July 21, 2004, and filed in this case on March 23, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendation. Magistrate Judge VanDervort submitted his proposed findings and recommendation on June 6, 2007. (Doc. No. 18.) In that Proposed Findings and Recommendation, the magistrate judge recommended that this court dismiss this action without prejudice for failure to prosecute and remove this matter from the court's docket. (Id. at 4.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DISMISSES** this civil action without prejudice for failure to prosecute and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is directed to forward a certified copy of this written Memorandum Opinion and Order to counsel of record and any unrepresented parties.

It is **SO ORDERED** this 9th day of July, 2007.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge